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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 11 PM 12:29

UNITED STATES OF AMERICA,

Plaintiff,

v.

Tomas RAMIREZ-Perez,

Defendant

Magistrate Docket No.

08 MJ 0390
DEPUTY

BY:

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 7, 2008** within the Southern District of California, defendant, **Tomas RAMIREZ-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF FEBRUARY 2008



Anthony J. Battaglia

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Tomas RAMIREZ-Perez****PROBABLE CAUSE STATEMENT**

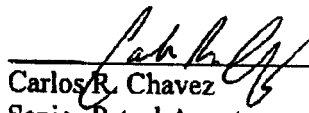
I declare under the penalty of perjury that the following statement is true and correct:

On February 7, 2008, at approximately 11:10 P.M., San Diego Sector Dispatch relayed via service radio of seismic intrusion device activation near the area commonly known as, "Spoooner's Mesa," this area is approximately four miles west of the San Ysidro, California, Port of Entry. At approximately 11:15 P.M., the inside scope operator relayed via service radio of a group of seven individuals running north from "Spoooner's Mesa". At approximately 11:20 P.M., while performing line watch operations, Border Patrol Agent M J. Spear, responded to the area, and after a brief search found seven individual hiding in some brush in an attempt to conceal themselves. One individual, later identified as the defendant **Tomas RAMIREZ-Perez**, attempted to abscond. After a brief foot pursuit, Agent Spear apprehended the defendant and returned to join the rest of the group. Due to the close proximity to the United States / Mexico International Boundary Fence, which is approximately five hundred yards south, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Spear identified himself as a Border Patrol Agent in both the English and Spanish languages, and conducted an immigration interview. All seven subjects, including the defendant, admitted to being citizens and nationals of Mexico illegally in the United States, and did not possess any documents that would allow them to legally enter or remain in the United States. All seven individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on December 15, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on February 9, 2008 at 10:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 7, 2007 in violation of Title 8, United States Code, Section 1326.



Anthony J. Battaglia
United States Magistrate Judge

2/9/08 1030AM
Date/Time